

STATE OF TEXAS  
COUNTY FORT BEND  
CITY OF FULSHEAR

## CITY OF FULSHEAR

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**FULSHEAR PLANNING AND ZONING COMMISSION MINUTES  
APRIL 13, 2012**

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### **1. Call to Order**

*A regular meeting of the Planning and Zoning Commission was called to order by Chairman, Derek Einkauf at 8:04 a.m. on April 13, 2012 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.*

#### **MEMBERS PRESENT:**

*Derek Einkauf, Chairman  
Steve Zwick  
Mike Lavengco  
David Worley*

#### **MEMERS ABSENT:**

*Bill Archer  
Harold Collins  
Terry Cozart  
Doug Konopka, Advisory Member*

#### **STAFF PRESENT:**

*C.J. Snipes, City Administrator  
Michelle Kirchner, Building Inspector  
David Leyendecker, Contracted City Engineer*

#### **OTHERS PRESENT:**

*Tom Northrup  
Brent Anderson  
Chris Wilke  
Patrick Pogue  
Larry Beustring  
Christy Smidt*

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2. Quorum

*Quorum was present.*

3. Citizens' comments:

Citizens who desire to address the Planning Commission with regard to matters on the agenda will be received at this time. The number of speakers will be limited to the first ten (10) speakers and each speaker is limited to three (3) minutes. Comments or discussion by planning members will only be made at the time the subject is scheduled for Consideration.

*There were no Citizens' Comments. However, Chairman Einkauf announced that DHK Developer now turned over to Trend Development and Cross Creek Ranch is now Johnson Development with the exception of 40 acres that was retained by Trendmaker Development. Planning and Zoning Commission Member Zwick asked about the development agreements. C.J. Snipes, City Administrator stated that Fulshear Creek and the downtown was still owed by the Fulshear Land partners but the developer will be Trend and that Johnson Development is the new owner of Cross Creek Ranch and the City has received a letter from the attorneys to that effect and no change to our development agreement with these entities.*

4. Consideration and possible action to adopt minutes as follows:

Special Meeting, February 17, 2012

Regular Meeting, March 2, 2012

Special Meeting, March 15, 2012

*A motion was made by Planning and Zoning Member Lavengco to approve minutes as presented. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Commission Member Einkauf, Lavengco, Worley, and Zwick*

*Nays: None*

*Absent: Planning and Zoning Member Archer, Collins, and Cozart*

5. Consideration and possible action on Sign Permit for Churchill Farms: Master Plan for Subdivision Signage - located along property entrance FM 1463 and Churchill Farms Blvd (across from Cardiff Ranch Drive)

*There were approximately a 20 minute discussion among the Commission and a representative for Churchill Farms, Mike Martin. Michelle Kirchner, Building Inspector, explained that they were asking for approval for seven signs but additional learned Churchill Farms wants a master signage agreement for their*



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*project. Planning and Zoning Member Zwick asked for clarification. Mr. Martin stated the misconception lies on their part but they were trying to get signage on FM1463 and a signage agreement. Chairman Einkauf stated that according to our sign ordinance, we only allow one sign per roadway. Chairman Einkauf offered to have a special meeting to review sign permit- one for each road way providing if they meet the current guidelines of the city's sign ordinance and has been reviewed by the building inspector that it meets all requirements specified in the city 's sign ordinance and that way Churchill will not be held up for another month. Chairman Einkauf stated that he does not recommend approval of sign permit presented today before the Commission as does not meet the current sign ordinance requirements.*

*C. J. Snipes, City Administrator stated that most Master Planned Developments are allowed to have a Master Signage Plan so they can do marketing,etc.*

*Chairman Einkauf stated two issues are before us. 1) The commission agrees to hold a special meeting to review for two signs(one each roadway) and 2) the other to look at a master plan on signage which may include a variance at later date*

*Chairman Einkauf called for a motion. Item dies for lack of a motion.*

**6. Consideration and possible action on Cross Creek Ranch: Creek Bend at Cross Creek Ranch Section 10 Preliminary Plat**

*David Leyendecker, City Engineer, stated that this particular section will have 174 lots but only has one entrance at current time. Also, a proposed school across the road. Mr. Leyendecker recommends approval with condition of obtaining a second access before final plat. Christy Smidt, representative for Cross Creek Ranch, possibly looking into an emergency exit due to traffic concerns. There was a ten minute discussion back and forth among the Commission and Ms. Smidt.*

*Christy Smidt, representative for Cross Creek Ranch, stated that they are looking at getting an emergency access and eventually will have a traffic light.*

*Chairman Einkauf stated that emergency access will not meet the requirement according to the city's subdivision ordinance.*

*Planning and Zoning Member Zwick stated he realized we are at the preliminary plat but according to the city's subdivision ordinance it requires two (2) access points per 150 lots and this has 174 with only one (1) access point.*

*A motion was made by Planning and Zoning Commission Member Zwick to return for additional information. It was seconded by Planning and Zoning Commission Member Lavengco. The motion was carried by the following vote:*

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***Ayes: Planning and Zoning Commission Member Einkauf, Lavengco, Worley, and Zwick***

***Nays: None***

***Absent: Planning and Zoning Member Archer, Collins, and Cozart***

- 7. Consideration and possible action on Sign Permit from Clover Tool Company/location 6903 FM 359 South- A Variance Request/Two Variances-**  
**a) 8 inches over the 10ft height allowance**  
**b) 3 feet over the 12ft length allowance**

***Chairman Einkauf stated that the sign request came to us some time ago but the Clover Tool sign was built before getting approval and it does not meet requirements according to the city's sign ordinance is located out on FM 359. Clover Tool Company was aware that the city has regulations regarding signs.***

***Ms. Kirchner, building inspector, asked what version of the sign was in the Commission' packet) stated that she has been given a different diagram (another version of the sign) and looking at –it still will requires a variance. She stated it is left up to the commission if they want to grant a variance.***

***Chairman Einkauf asked Ms. Kirchner to go over the guidelines for variance request.***

***Ms. Kirchner explained that this is our very first variance request. She outlined the guidelines to grant/and or deny a request for variance. The guidelines are as follows:***  
***-will literal enforcement of the ordinance result in a hardship or practical difficulty?***  
***-is the hardship self-imposed?***  
***-is the condition unique to the property, or is it common to other properties within the area? She also stated it is up to the individual requesting the variance to persuade you one way or the other.***

***Representative from Clover Tools, Patrick Pogue, stated that there was a miscommunication between their office and the previous sign company and therefore is requesting a variance as the sign has already been constructed. He stated that they depended on the sign company to get the required permissions from the City but find the sign was constructed and it is two-foot over the minimum. Mr. Pogue states that they are out of compliance by a two (2) foot width and that why we are requesting a variance. Mr. Pogue stated that they have taken measurement of signs in the Fulshear area and have found ten (10) different ones along with the addresses that does not meet sign ordinance compliance. Written copy of findings presented to the Commission. Ms. Kirchner stated for the record Weston Lakes in not in "ETJ".***

***Planning and Zoning Commission Member Zwick stated the city has a sign ordinance and we should follow it. He stated why can't sign be built according to the ordinance***



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*because it is already built. He stated we should not be granting variance; where do we go from here. This set a precedence that anyone can come in and construct a sign and just ask for a variance. Pretty soon, we have a 20ft. sign?????????*

*The discussion continued among the members for another ten minutes or more. Chairman Einkauf stated that he would make the recommendation that the sign was constructed without a permit and that the company was aware a permit was needed and also had a copy of the ordinance in front of them so we (the commission) should not remedy since this was a self-created problem.*

*Chris Wilke, representative from Clover Tool, stated that the gentlemen before me who had the job had failed to contact the city and they (new contractor) were under the impression that Clover Tool was in incorporated part of the county and only had to abide by their rules. Mr. Wilke stated that he came in the interim after the previous contractor had left.*

*Ms. Kirchner stated that someone in the Clover Tool office had to approve of the sign being built and that Clover Tool office was aware that the City had a sign ordinance.*

*Planning and Zoning Member Worley asked the building inspector, Ms. Kirchner, had Clover Tool Company come in earlier for a sign permit. Ms. Kirchner stated "yes "and that they wanted two (2). So, Clover Tool Company was aware of the city's sign ordinance.*

*Planning and Zoning Member Zwick stated that the company did not say that they did not know but they erred..*

*A motion was made by Planning and Zoning Commission Member Worley to deny the request for a variance. It was seconded by Planning and Zoning Member Lavengco.*

*Chairman Einkauf stated we have a motion and seconded. Planning and Zoning Member Lavengco stated he would like to ask one question.*

*Planning and Zoning Member Lavengco asked what would be the cost of getting the sign in compliance with the ordinance? Every time we grant a variance, it usually opens up Pandora's box—both of you have admitted some fault in the process and lot of people who were involved are not involved now- just curious about the cost.*

*Mr. Wilke stated that whatever decision that the Commission comes too, we (new sign contractor) told Clover Tools that we will fix it.*

*Chairman Einkauf stated we have a motion and a seconded to deny variance request.*

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*The motion was carried by the following vote:*

*Ayes: Planning and Zoning Commission Member Einkauf, Lavengco, Worley, and Zwick*

*Nays: None*

*Absent: Planning and Zoning Member Archer, Collins, and Cozart*

**8. Consideration and possible action on Firethorne: Firethorne West- Section 8 Preliminary Plat**

*A motion was made by Planning and Zoning Commission Member Worley to approve Preliminary Plat on Firethorne: Firethorne West- Section 8. It was seconded by Planning and Zoning Commission Member Lavengco. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Commission Member Einkauf, Lavengco, Worley, and Zwick*

*Nays: None*

*Absent: Planning and Zoning Member Archer, Collins, and Cozart*

**9. Consideration and possible action on No Objection Letter regarding the Anderson property**

*A motion was made by Planning and Zoning Commission Member Worley to approve the No Objection Letter regarding the Anderson Property. It was seconded by Planning and Zoning Commission Member Lavengco. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Commission Member Einkauf, Lavengco, Worley, and Zwick*

*Nays: None*

*Absent: Planning and Zoning Member Archer, Collins, and Cozart*

**10. Adjourn**

*A motion was made by Planning and Zoning Commission Member Lavengco to adjourn at 8:50 a.m. Chairman Einkauf announced we are now adjourned.*